

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1-27 will have been canceled and claims 28-44 will have newly been submitted for reconsideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding objection and rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the acceptance of the drawings filed in the present application on March 28, 2001, and for the acknowledgment of Applicant's claim for priority under 35 U.S.C. § 119 and receipt of the certified copies of the priority documents in the Official Action.

Applicant also notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application on June 28, 2001 and September 1, 2004 by the return of the initialed and signed PTO-1449 Forms, and for consideration of the documents cited in the Information Disclosure Statements.

Turning to the merits of the action, the Examiner has objected to the specification because of an informality. By the present amendment, Applicant has amended the specification to eliminate the informality. Thus, Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner has rejected claims 14, 18, and 25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the present amendment,

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Applicant has canceled claims 14, 18, and 25 without prejudice or disclaimer. Thus, Applicant respectfully submits the Examiner that the rejection has been rendered moot.

The Examiner has rejected claims 1-7, 9-13, 16-17, 20-24, 26, and 27 under 35 U.S.C. § 102(e) as being anticipated by SHIBATA (U.S. Patent No. 6,825,955). The Examiner also has rejected claims 8, 15, and 19 under 35 U.S.C. § 103(a) as being unpatentable over SHIBATA (U.S. Patent No. 6,825,955).

As noted above, Applicant has canceled claims 1-27, and has submitted new claims 28-44. Applicant respectfully traverses the above rejection based on the newly added claims 28-44 and will discuss the outstanding rejection with respect to these claims in the present application as will be set forth hereinbelow. The newly added claims merely clarify the subject matter recited in the canceled claims, but do not narrow the scope of the claims.

Applicant's claims 28-40 generally relate to a transmitting Internet facsimile apparatus which transmits data to a receiving Internet facsimile apparatus via a telephone network and is connected to the Internet. The receiving Internet facsimile apparatus is connected to a mail server which stores an e-mail directed to the receiving Internet facsimile apparatus. The receiving Internet facsimile apparatus accesses the mail server to obtain the e-mail directed to the receiving Internet facsimile apparatus. The Internet facsimile apparatus comprises a controller that transmits, to the mail server via the Internet, the e-mail directed to the receiving Internet facsimile apparatus. Further, the controller transmits a predetermined notice to the receiving Internet facsimile apparatus via the telephone network. The predetermined notice indicating that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to

the receiving Internet facsimile apparatus. The predetermined notice further includes information regarding a data file attached to the e-mail. Claims 41-44 recite related methods.

In direct contrast, SHIBATA relates to a facsimile apparatus which transmits, to an Internet server, an e-mail for a local facsimile apparatus and transmits an e-mail transmission notice to a local facsimile apparatus via the public telephone network. Upon receiving the e-mail transmission notice, the local facsimile apparatus accesses a Internet server to receives the e-mail. The e-mail transmission notice includes a notice type, a calling party e-mail address, a calling party facsimile number, and a transmission time (Fig. 6). The transmission time represents a date and time of execution of e-mail transmission (col. 9, lines 19-39, Fig. 6). However, the e-mail transmission notice does not includes information regarding a data file attached to the e-mail, as recited in, e.g., pending claim 28 since a receiving apparatus cannot determine information regarding data attached to the e-mail, based on the transmission time or any of the other data contained in the e-mail transmission notice shown in Fig. 6. The e-mail transmission notice also does not include information regarding a time period that the e-mail is obtainable from the mail server, as recited in, e.g., pending claim 32 since the transmission time included in the e-mail transmission notice represents a date and time of execution of e-mail transmission, but does not relates to the claimed information regarding the time period that the e-mail is obtainable from the mail server. The information regarding the time period comprises, for example, one of a time designated for obtaining the e-mail from the mail server, a time interval between a transmission of the predetermined notice and a time that the e-mail is obtainable from

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the mail server, an indication that the e-mail should be obtained from the mail server after the predetermined notice of the last e-mail is received, when a plurality of e-mails are transmitted for a plurality of documents. Thus, SHIBATA does not disclose the recited "predetermined notice" that includes "information regarding data file attached to the e-mail", in the claimed combination. SHIBATA also does not disclose the recited predetermined notice including "information regarding a time period that the e-mail is obtainable from the mail server", in the claimed combination of e.g., claim 33.

On the other hand, the present invention recites a predetermined notice including a notice that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to the receiving Internet facsimile apparatus as well as information regarding data file attached to the e-mail. The present invention also recites a predetermined notice including a notice that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to the receiving Internet facsimile apparatus as well as information regarding a time period that the e-mail is obtainable from the mail server. Thus, the pending claims are clearly distinguished over SHIBATA.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 28-44 are not disclosed in SHIBATA cited by the Examiner. The pending claims are also submitted to be patentable over SHIBATA since SHIBATA does not render obvious the combination of the above-noted features recited in Applicant's claims 28-44. Moreover, the Examiner's assertion of Official Notice is submitted to moot in view of the above-noted shortcomings of SHIBATA.

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Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding objection and rejections, and requests an indication of the allowability of all the claims pending in the present application, in due course.

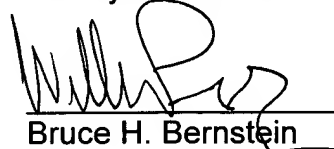
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted the new claims for reconsideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the disclosures of the reference. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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